

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
AT CHARLESTON

DAVID EUGENE EAKLE,

Plaintiff,

v.

Civil Action No. 2:12-0590

MR. DAVID BALLARD and

MR. JIM RUBENSTEIN,

Defendants.

MEMORANDUM OPINION AND ORDER

This action was previously referred to Mary E. Stanley, United States Magistrate Judge, who has submitted her Proposed Findings and Recommendations ("PF&R") pursuant to the provisions of 28 U.S.C. § 636(b)(1)(B). The magistrate judge recommends in her PF&R that the complaint be dismissed pursuant to 28 U.S.C. § 1915A(b)(1) and that the Application to Proceed Without Prepayment of Fees and Costs be denied.

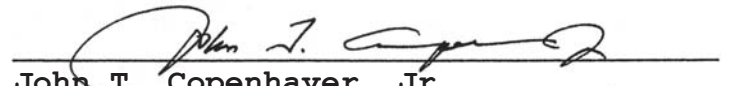
On March 13, 2012, the PF&R was filed. On March 20, 2012, plaintiff filed his objections. The objections do not address the deficiencies in the complaint identified by the magistrate judge. The objections are thus not meritorious.

Following a de novo review, and having concluded that the objections lack merit, it is ORDERED that the PF&R be, and

it hereby is, adopted and incorporated herein. It is further ORDERED that this action be, and it hereby is, dismissed pursuant to section 1915A(b)(1) and that the Application to Proceed Without Prepayment of Fees and Costs be denied.

The Clerk is directed to send a copy of this written opinion and order to counsel of record and plaintiff.

ENTER: May 11, 2012


John T. Copenhaver, Jr.
United States District Judge